

Case No. 22-16770

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATURAL GROCERS, CITIZENS FOR GMO LABELING, LABEL GMOS,
RURAL VERMONT, GOOD EARTH NATURAL FOODS, PUGET
CONSUMERS CO-OP, NATIONAL ORGANIC COALITION, AND CENTER
FOR FOOD SAFETY

Plaintiffs-Appellants,

v.

THOMAS J. VILSACK, *et al.*,

Defendants-Appellees,

On Appeal from the United States District Court, Northern District of California
Case No. 20-5151 (Hon. Judge James Donato)

UNOPPOSED MOTION TO EXTEND BRIEFING SCHEDULE

CENTER FOR FOOD SAFETY

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Counsel for Plaintiffs-Appellants

Pursuant to Ninth Circuit Rule 31-2.2(b), Appellants Natural Grocers, Citizens for GMO Labeling, Label GMOs, National Organic Coalition, Rural Vermont, Good Earth Natural Foods, Puget Consumers Co-op, and Center for Food Safety (Appellants) respectfully move for a 50-day extension of time to file Appellants' reply brief in the present appeal, from the current due date of April 29, 2024 to June 18, 2024.

Appellants make this request for the second extension to file their reply brief based on diligence and substantial need. Specifically, this request is made necessary by competing deadlines in other cases, planned vacation, and work-related travel.

This case is an appeal of a civil action challenging the United States Department of Agriculture (USDA)'s National Bioengineered Disclosure Standard and presents important, complex questions of administrative law as well as remedies jurisprudence. The district court partially granted Appellants' motion for summary judgment on September 13, 2022, *Nat. Grocers, et al. v. Vilsack*, 627 F. Supp. 3d 1130 (N.D. Cal. 2022), and Appellants filed notice of appeal in the Ninth Circuit on November 15, 2022. *Nat. Grocers, et al. v. Vilsack*, No. 22-16770 (9th Cir. 2022), ECF 1-2. Appellants then filed their Opening Brief on September 5, 2023, ECF 18, with the original due date for Appellants' reply brief falling on December 15, 2023.

ECF 17. However, following extensions, Defendants and Intervenor filed Answering Briefs on March 8, 2024, ECF 37 & 39.

A 50-day extension from the current April 29, 2024 deadline is warranted in light of Appellants' competing deadlines as well as planned vacation and work travel for counsel. Stevenson Decl. ¶ 4. Specifically, in another case on which two of Appellants' counsel are staffed, no appeal was filed on April 8, 2024, setting the deadline for an Equal Access to Justice Act motion for attorneys' fees for May 8, 2024. *Ctr. for Biological Diversity v. U.S. Env't Prot. Agency*, No. CV-20-00555-TUC-DCB, 2024 WL 455047 (D. Ariz. Feb. 6, 2024); *see also* Stevenson Decl. ¶ 3.

Pursuant to Ninth Circuit Rule 31-2.2(b), counsel for Appellants has solicited the positions of the other parties. No other party opposes this Motion. Stevenson Decl. ¶ 6.

Therefore, Appellants respectfully request that the Court modify the current briefing schedule for the reply brief to be due June 18, 2024.

Respectfully submitted this 22nd day of April, 2024.

s/ Meredith Stevenson

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of said filing to attorneys of record, who are required to have registered with the Court's CM/ECF system.

/s/ Meredith Stevenson

Meredith Stevenson

Counsel for Appellants